



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Initial Patent Application of

MAJOR et al

Atty. Ref.: 2370-81

Serial No. 09/973,198

Group:

Filed: October 10, 2001

Examiner:

For: USE OF NEURO-DERIVED FETAL CELL LINES FOR
TRANSPLANTATION THERAPY

* * * * *

January 27, 2003

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

RECEIVED
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TECH CENTER 1800/2900

Sir:

SECOND REQUEST FOR CORRECTION OF FILING RECEIPT

The Request for Correction of Filing Receipt filed on April 17, 2002 (copy attached together with a copy of the acknowledgement post card) does not appear to have been acted on since the published application still shows Pro-Virus Inc. as the assignee. It is again requested that this correction be made.

Enclosed is a copy of the Filing Receipt for the above-identified application. As requested in the prior-filed Request dated April 17, 2002, under the heading "Assignment For Published Patent Application," please change "Pro-Virus, Inc." to "**The United States of America as represented by the Department of Health and Human Services**". The correction is shown in red on the attached copy of the filing receipt. A corrected application cover sheet is also attached for entry into the case.

In addition, it is again respectfully requested that the published application show **The United States of America as represented by the Department of Health and Human Services** as the assignee.

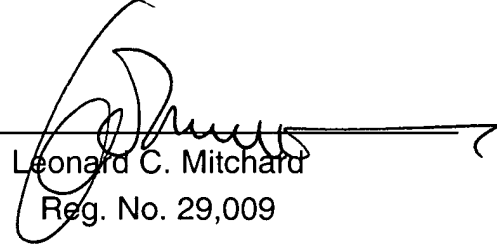
MAJOR et al
Serial No. 09/973,198

It is believed that no fee is required for this matter. However, should it be determined otherwise (it is believed that should not be the case), the Commissioner is authorized to charge our deposit account number 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lks
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Enclosure: Corrected official filing receipt, corrected application cover sheet, copy of prior-filed Request and copy of acknowledgement post card



Serial No.: 09/973,198
Inventor/s: MAJOR et al

C#/M#: 2370-81

Atty: Leonard C. Mitchard

Date: April 17, 2002

Title: USE OF NEURO-DERIVED FETAL CELL LINES FOR
TRANSPLANTATION THERAPY

Amendment
Pages Specification, Claims & Abstract
Claims
Sheets of Drawings
Declaration (Pages)
Assignment (Pages) Including Cover
\$ Fee (Check) - Pre-Bill
\$ Fee (Check) - Non Pre-Bill



\$0.00 = Total Fee Enclosed

Other: Request for Correction of Filing Receipt; Corrected
Official Filing Receipt; Corrected "Request for Filing
Application" Cover Sheet

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In re Patent Application of

MAJOR et al

Atty. Ref.: 2370-81

Serial No. 09/973,198

Group:

Filed: October 10, 2001

Examiner:



FOR USE OF NEURO-DERIVED FETAL CELL LINES FOR
TRANSPLANTATION THERAPY

* * * * *

April 17, 2002

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

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Sir:

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Serial No. 09/973,198

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Enclosure: Corrected official filing receipt



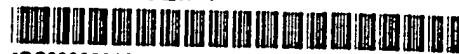
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/973.198	10/10/2001	1651	0.00	2370-81	10	23	3

CONFIRMATION NO. 5423

FILING RECEIPT



OC000000006969999

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201



Date Mailed: 10/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Eugene O. Major, Oakton, VA;
Carlo S. Tornatore, University Park, MD;
Kris Bankiewicz, Walnut Creek, CA;

Assignment For Published Patent Application

~~Pro Virus, Inc.~~ *The United States of America as represented by the
Department of Health and Human Services*

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/426,126 10/25/1999
WHICH IS A CON OF 08/779,661 01/07/1997 ABN
WHICH IS A CON OF 08/459,136 06/02/1995 PAT 5,690,927
WHICH IS A CON OF 08/046,527 04/13/1993 ABN

Foreign Applications

If Required, Foreign Filing License Granted 10/24/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

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Title

Use of neuro-derived fental cell lines for transplantation therapy

Preliminary Class

424

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING AN OATH AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 2370-81

Date: October 10, 2001

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

USE OF NEURO-DERIVED FETAL CELL LINES FOR TRANSPLANTATION THERAPY

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

☐ Newly executed Declaration, ☒ Copy of Declaration from prior application, ☒ Abstract

25 pages of specification and claims (including 23 numbered claims), and

10 sheets of accompanying drawing/s.

☐ Record the attached assignment and return to the undersigned.

☐ Attached is a Power of Attorney.

☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

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☐ , respectively, the entire content of which is hereby incorporated by reference in this application..

☐ Certified copy(ies) of foreign application(s) is/are attached.

☐ Certified copy(ies) filed on _____ in prior application no. _____ filed _____

☐ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.--

☒ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☒ continuation/☐ division/☐ continuation-in-part of Application No. 09/426,126, filed October 25, 1999, abandoned, which is a continuation of Serial No. 08/779,661, filed January 7, 1997, abandoned, which is a continuation of Serial No. 08/459,136, filed June 2, 1995, PAT 5,690,927, which is a continuation of Serial No. 08/046,527, filed April 13, 1993, abandoned, the entire content of which is hereby incorporated by reference in this application.--

☒ Petition filed in prior application to extend its life to insure co-pendency.

☒ The prior application is assigned to The United States of America as represented by the Department of Health and Human Services.

☒ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

☐ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

1. Inventor: Eugene O. MAJOR USA
(first) (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____

2. Inventor: Carlo S. TORNATORE USA
(first) (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____

☒ See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201.

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LCM:lks

NIXON & VANDERHYE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: _____

566701

3. Inventor: Kris BANKIEWICZ USA
(first) MI (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____
4. Inventor: _____
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Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____
5. Inventor: _____
(first) MI (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____
6. Inventor: _____
(first) MI (last) (citizenship)
Residence: (city) _____ (state/country) _____
Mailing Address: _____
(Zip Code) _____